

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed November 30, 2004. In order to advance prosecution of this case, Applicants amend Claims 1-17. Applicants respectfully request reconsideration and favorable action in this case.

Information Disclosure Statement

The Examiner indicates that “[t]he information disclosure statement filed 10/9/01 fails to comply with the provisions of 37 CFR 1.97 and MPEP § 609 *because this is duplicate copy of IDS dated 2/2/02.*” *Office Action*, p. 5, emphasis in original. Applicants are of the belief that the Examiner has indicated the wrong dates as the Applicants believe that a first IDS was filed in this case on October 9, 2001 (“the 2001 IDS”) and a second IDS, duplicating the information included in the 2001 IDS, was filed on February 20, 2002 (“the 2002 IDS”), not February 2, 2002, as indicated by the Examiner. If the Applicants’ understanding of the filing dates of either IDS is incorrect, Applicants respectfully request an indication of such from the Examiner.

Additionally, based on both the fact that the 2001 IDS was properly filed with the Patent and Trademark Office and that the Examiner initialized the appropriate box next to each of the references specified in the 2001 IDS, Applicants are also of the belief that the references identified in the 2001 IDS were fully considered on their merits, despite the subsequent filing of the duplicate 2002 IDS. Applicants believe that the references cited in the 2001 IDS will therefore be cited on the face of any patent that issues from the present Application. If the Applicants are incorrect in this belief, Applicants respectfully request an indication of such from the Examiner.

Objections to the Specification

The Examiner objected to the specification for various reasons including the lack of filing dates related to the co-pending applications mentioned in the Cross Reference to Related Applications and Background of the Invention sections. The specification has been amended to incorporate the requested patent numbers and filing dates.

Additionally, the Examiner objects to use of the term “SYN packet” on page 11, line 5 of the specification, asserting that “[t]here is no explanation as to its meaning.” *Office*

Action, p. 2. Applicants respectfully traverse this rejection. Applicants respectfully note that the present Application incorporates several patents and/or patent applications, including U.S. Patent No. 6,061,349 to Coile, et. al ("*Coile I*"), and U.S. Patent No. 6,317,775 to Coile, et. al ("*Coile II*"). As indicated in the latter:

In accordance with the TCP protocol, when a new connection request that is intended for the domain name corresponding to internet site 100 is generated by a client, a SYN packet is sent with a destination IP address which corresponds to the virtual IP address for internet site 100.

Coile II, col. 7, ll. 60-64.

Applicants respectfully submit that this explanation and/or the additional discussion of "SYN packets" in *Coile I* and *Coile II* are sufficient to overcome the Examiners objection to use of this term in the specification. Applicants respectfully request reconsideration of the objection.

The Examiner additionally objects to use of the phrase "unclassified user" on page 11, line 5 of the specification, requesting further explanation of the meaning of this term. Applicants also respectfully traverse this objection. Applicants respectfully note that the specification of the present Application indicates that:

Other users that are neither preferred or undesired have their connection assigned to an instance of a virtual machine that is bound to physical machines that service connections from *such unclassified users*.

Application, p. 14, ll. 8-10, emphasis added.

Applicants respectfully submit that this discussion and/or additional discussion of "unclassified user[s]" elsewhere in the present Application and the incorporated patents and/or patent applications are sufficient to overcome the Examiner's objection to the use of this phrase. Applicants respectfully request reconsideration of this objection.

The Examiner also objects to use of the phrase "virtual machines implemented on local director" indicating that further clarification of the term is required. Applicants respectfully traverse this objection by noting that *Coile I* indicates that:

The term virtual machine is used to describe a machine which corresponds to the destination IP address specified by the client because no such physical machine actually exists. However, the virtual machine appears to exist to the client because when the client specifies the IP address of the virtual machine in a packet, that packet is handled by physical machine 210 as if the virtual machine actually existed as a physical machine with the virtual machine IP address. By translating the IP addresses and port numbers in packets whose

destination IP address and port number corresponds to a virtual machine which Local Director 200 is supporting, Local Director 200 enables physical machine 210 to implement each of the virtual machines.

Coile I, col. 5, ll. 37-49.

Applicants respectfully submit that this discussion and/or additional discussion of “virtual machines implemented on local director” elsewhere within the present Application and the incorporated patents and/or patent applications are sufficient to overcome the Examiner’s objection to the use of this phrase. Applicants respectfully request reconsideration of this objection.

The Examiner additionally objects to use of the phrase “foreign source IP addresses” on page 17, lines 7 and 10 of the specification, requesting further clarification as to the meaning of this term. *Office Action*, p. 3. Applicants also respectfully traverse this objection. Applicants respectfully note that *Coile II* indicates that:

Each connection object contains the IP address and port number of the foreign machine which is attempting to make a connection or has successfully made a connection to the virtual machine implemented by Local Director 110. These are referred to as the foreign IP address and the foreign port number.

Coile II, col. 11, ll. 6-11.

Applicants respectfully submit that this discussion and/or any additional discussion of “foreign source IP addresses” elsewhere within the present Application and the incorporated patents and/or patent applications are sufficient to overcome the Examiner’s objection to the use of this phrase. Applicants respectfully request reconsideration of this objection.

The Examiner additionally objects to use of the phrase “real IP address” on page 18, line 3, requesting further clarification as to the meaning of this term. *Office Action*, p. 3. Applicants also respectfully traverse this objection. Applicants note that *Coile II* indicates that:

Local Director 110 accomplishes this by changing the destination IP address in each packet from the virtual IP address which corresponds to the virtual machine implemented by group of TCP based servers 112 associated with Local Director 110, to a real IP address which corresponds to a single physical machine, i.e. the IP address corresponding to the individual server which is selected to handle the packet.

Coile II, col. 7, ll. 35-42.

Applicants respectfully submit that this discussion and/or any additional discussion of “real IP address” elsewhere within the present Application and the incorporated patents

and/or patent applications are sufficient to overcome the Examiner's objection to the use of this phrase. Applicants respectfully request reconsideration of this objection.

Section 112 Rejections

The Examiner rejects Claims 1-17 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants amend Claims 1-17 to address the Examiner's concerns.

Double Patent Rejection

The Examiner rejects Claims 1-18 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-6 of U.S. Patent No. 6,366,558 also to *Howes* ("*Howes*"). Applicants respectfully traverse the Examiner's rejection. Claim 1 of the present invention recites, in part, "configuring the standby connection manager to include a physical machine object that stores a physical IP address of a physical machine that is available to the active connection manager and a virtual machine object that stores a virtual IP address of a virtual machine that is implemented on the active connection manager." Applicants respectfully note that none of Claims 1-6 of the '558 Patent recites any "physical machine object that stores a physical IP address of a physical machine that is available to the active connection manager" or any "virtual machine object that stores a virtual IP address of a virtual machine that is implemented on the active connection manager." As a result, none of Claims 1-6 of the '558 Patent is coextensive in scope with Claim 1 of the present Application. Moreover, Claims 2-17 of the present Application depend from Claim 1. For at least this reason, Claims 2-17 are also not coextensive in scope with Claims 1-6 of the '558 Patent. Additionally, although of differing scope from Claim 1, Claim 18 includes elements that, for reasons substantially similar to those discussed with respect to Claim 1, are not recited by any of Claims 1-6 of the '558 Patent.

As a result, Claims 1-18 are allowable for at least these reasons. Applicants respectfully request reconsideration and allowance of Claims 1-18.

Section 103 Rejections

The Examiner rejects Claim 3 under 35 U.S.C. § 103(a) as being unpatentable over *Howes* in light of U.S. Patent No. 5,713,017 issued to Lin (“*Lin*”). Claim 3 depends from Claim 1 which has been shown above to be allowable. Claim 3 is thus allowable for at least this reason. Applicants respectfully request reconsideration and allowance of Claim 3, as noted above.

The Examiner rejects Claims 14 and 15 under 35 U.S.C. § 103(a) as being unpatentable over *Howes* in view of U.S. Patent No. 5,491,694 issued to Oliver (“*Oliver*”). Claims 14 and 15 depend from Claim 1, which has been shown above to be allowable. Claims 14 and 15 are thus allowable for at least this reason. Applicants respectfully request reconsideration and allowance of Claims 14 and 15, as indicated above.

The Examiner rejects Claim 16 under 35 U.S.C. § 103(a) as being unpatentable over *Howes* in view of U.S. Patent No. 6,434,22 issued to Monteiro (“*Monteiro*”). Claim 16 depends from Claim 1 which has been shown above to be allowable. Claim 16 is thus allowable for at least this reason. Applicants respectfully request reconsideration and allowance of Claim 16, as noted above.

The Examiner rejects Claim 17 under 35 U.S.C. § 103(a) as being unpatentable over *Howes* in view of U.S. Patent No. 5,819,020 issued to Beeler, Jr. (“*Beeler*”). Claim 17 depends from Claim 1 which has been shown above to be allowable. Claim 17 is thus allowable for at least this reason. Applicants respectfully request reconsideration and allowance of Claim 17, as noted above.

Conclusions

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

No fees are believed to be due, however, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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